

MHU Assistance Animal Policy

Owner Responsibilities and Guidelines

Mars Hill University Office of Disability Services and Office of Residential Living are committed to supporting residents with disabilities and therefore recognize the importance of the broad category of “Assistance Animals” as defined under the Fair Housing Act (FHAct) as well as “Service Animals” as defined by the Americans with Disabilities Act Amendments Act (ADAAA) that provide physical and/or other therapeutic support to qualifying individuals. Although it is the general policy of MHU that individuals are generally prohibited from having animals (with the exception of fish in no more than a 10 gallon tank) of any type in University Housing, MHU will consider a request by an individual with a disability for reasonable accommodation from this prohibition to allow an Approved Assistance Animal that is necessary because of a disability and reasonable. This Policy ensures that qualifying residents with disabilities, who require the use of Service or Assistance Animals as a reasonable accommodation, will be able to receive the benefit of the work or tasks performed by such animals or the therapeutic support they provide so to facilitate their full-participation and equal access to the University’s programs and activities. Below are set forth the specific owner responsibilities and guidelines applicable to an individual’s use of any Assistance Animal in University housing. MHU reserves the right to amend this Policy as circumstances require.

No animal may be kept in University Housing at any time prior to the individual obtaining documented approval through both the Office of Disability Services and the Office of Residential Living.

I. Definitions

A. Emotional Support Animal

“Emotional Support Animals “or “Comfort Animals” are a category of animals that may work, provide assistance, or perform physical tasks, for an individual with a disability and/or provide necessary emotional support to an individual with a mental or psychiatric disability that alleviates one or more identified symptoms of an individual’s disability, but which are not considered Service Animals under the

ADAAA. Some Assistance Animals are professionally trained, but in other cases Assistance Animals provide the necessary support to individuals with disabilities without any formal training or certification. Dogs are commonly used as assistance animals, but any animal within reason may serve a person with a disability as an Assistance Animal.

The question in determining if an Assistance Animal will be allowed in University housing is whether or not the Assistance Animal is necessary because of the individual's disability to afford the individual an equal opportunity to use and enjoy University housing and its presence in University housing is reasonable. However, even if the individual with a disability establishes necessity for an Assistance Animal and it is allowed in University housing, an Assistance Animal is not permitted in other areas of the University (e.g. dining facilities, libraries, academic buildings, athletic building and facilities, classrooms, labs, individual centers, etc.).

B. Service Animal (ADA)

The Department of Justice ADA regulations define "Service Animal" as a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The revised regulations specify that the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition. A trained Service Dog must be permitted to accompany the Owner with a disability to all areas of the facility where the student population and members of the public are normally allowed to go.

C. Owner

The "Owner" is the individual who has requested the accommodation and has received approval to bring an Assistance Animal into University Housing.

D. Disability

A disability is a physical or mental impairment that substantially limits one or more major life activities.

E. Disability Services Office

The Office of Disability Services collaborates with individuals, faculty, and staff to ensure that individuals with disabilities have equal access to all MHU programs and activities.

II. Procedures for Requesting Service Dog or Emotional Assistance Animal in University Housing

Individuals with a disability who reside or intend to reside in University housing and who wish to request a Service Dog or Emotional Assistance Animal in University Housing must contact the Disability Services Coordinator and follow general procedures set forth in the MHU Housing Accommodations Policy. Students must submit an ***MHU Disability Services Request for Housing Accommodations Form*** and follow all other guidelines regarding the verification of disability and the specific type of animal request as specified on <http://www.mhu.edu/campus-life/disability-services/housing-and-non-academic-accommodations-policies>. The Disability Services Coordinator will evaluate and determine whether the individual making the request qualifies as a person who has a disability-related need for either a Trained Service Dog or Assistance Animal. Next, the Office of Disability Services will consult with the Office of Residence Life to determine whether the presence of the specifically requested animal within an available housing assignment is reasonable and an appropriate time of entry. Upon written notice from the Office of Disability Services, qualifying students will be asked to arrange to meet with the Office of Residential Life to complete the registration and Assistance Animal approval process prior to before bringing an animal into the residence.

The individual making the request for an Assistance Animal accommodation should complete and submit the ***MHU Disability Services Request for Housing Accommodations Form*** along with completing the verification requirements with the Office Disability Services as soon as practicably possible before the need to move into University housing. If the request for accommodation is made fewer than 60 days before the individual intends to move into University housing, MHU cannot guarantee that it will be able to meet an approved individual's accommodation needs during the first semester of occupancy. If the need for the accommodation arises when an individual already resides in University housing, he/she should contact Disability Services and complete the request/approval process according to

<http://www.mhu.edu/campus-life/disability-services/housing-and-non-academic-accommodations-policies> as soon as practicably possible. MHU cannot guarantee that it will be able to meet the accommodation needs during the semester or term in which the request is received but all approved accommodation needs will be considered.

III. Responsibilities and Guidelines for Owners of Approved Assistance Animals (Service & ESA)

A. Responsibilities

1. The Owner is responsible for assuring that the Approved Animal does not unduly disturb or interfere with the routine activities of the residence hall community or cause difficulties for its residents.
2. The Owner is financially responsible for the actions of the Approved Animal including bodily injury or property damage. Property damage may include but is not limited to replacement of furniture, carpet, windows, walls, flooring, etc. Costs incurred for cleaning or pest control beyond a reasonable standard as a result of the animal's presence will also be the Owner's responsibility. The Owner is expected to cover these costs at the time of repair or when vacating the residence. The University shall have the right to bill the Student account for unmet obligations.
3. The Owner is responsible for ensuring the cleanup of the animal's waste in a safe, sanitary, and timely manner. Indoor animal waste, such as cat litter, and solid waste deposited outside must be secured in a plastic bag and disposed of in outside trash receptacles.
4. Care and supervision of the animal are the responsibility of the individual who benefits from the Approved Animal's use. The Owner is required to maintain control of the animal at all times. The owner may not leave the campus overnight or on breaks without the animal or leave in the care of another student in residence. Any evidence of mistreatment or abuse may result in one or more of the following actions: a) immediate removal of the Assistance Animal; b) referral to the MHU Judicial Board and/or; c) referral to Madison County Local Animal Ordinance Control enforcement officials.

5. The Owner must notify the Office of Disability Services in writing if the Approved Animal is no longer needed or is no longer in residence. To replace an Assistance Animal, the new animal must be necessary because of the Owner's disability and the Owner must follow the procedures outlined by Office of Disability Services when requesting a different animal.

B. General Guidelines

1. The Owner's residence may be routinely inspected to insure health and safety standards are being maintained. MHU will not require an individual with a disability to pay a preliminary deposit or surcharge for an approved Assistance Animal. However, an individual with a disability may be charged for any damage caused by his or her Assistance Animal beyond reasonable wear and tear to the same extent that it charges other individuals for damages beyond reasonable wear and tear. If fleas, ticks or other pests are detected through inspection, the residence will be treated using approved fumigation methods by a university-approved pest control service. The Owner will be billed for the expense of any pest treatment above and beyond standard pest management in the residence halls. The university shall have the right to bill the individual's account for unmet obligations under this provision.
2. Trained Service Dogs may generally travel freely with their owner throughout University Housing (and other areas of the University). Students should be aware that access will be denied to a service dog when:
 - a. the animal is out of control and its handler does not take effective action to control it;
 - b. the animal is not housebroken;
 - c. the animal poses a direct threat to the health or safety of others.
3. Emotional Support or Comfort Animals must be contained within the student's assigned room or suite except when transported outside the residence in an animal carrier or controlled by leash or harness. Owners may not bring Emotional Support Animals into other campus buildings (including residence halls not occupied by the owner) or campus venues such as athletic facilities.

4. Roommates or suitemates of the Owner will be asked to sign an agreement allowing the Approved Assistance Animal to be in residence with them. In the event of a conflict, the Office of Residence Life will arrange for either the owner and animal or the roommate/suitemate to be moved to a different location.
5. Health: All animals must be in good health and have an annual clean bill of health from a licensed veterinarian. Documentation can be a veterinarian's statement regarding the animal's health. In accordance with local ordinances and regulations the animal must be immunized against diseases common to that type of animal. Dogs must have current vaccination against rabies and wear a rabies vaccination tag. To avoid disruption of the residential community and because of the nature of MHU's residence halls with shared common spaces within close quarters with community entrances/exits, dogs and cats must be a minimum of 6 months in age and spayed/neutered. Please refer to the Madison County Animal Control Ordinance at <http://www.madisoncountync.org/3354/Animal%20Ordinance.pdf> for additional information. The University has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The University reserves the right to direct that the approved animal receive veterinary attention.
6. Approved Animals may not be left overnight in University Housing alone nor can be left in the care of another student in residence. Animals must be taken with the student if Owners leave the campus for a prolonged period. The Owner is responsible for ensuring that the Assistance Animal is contained or crated, as appropriate, when leaving the animal alone in the residence.
7. MHU Personnel shall not be required to provide care or food for any Assistance Animal including, but not limited to, removing the animal during emergency evaluation for events such as a fire alarm. Emergency personnel will determine whether to remove the animal and may not be held responsible for the care, damage to, or loss of the animal.
8. The Owner must fully cooperate with University personnel with regard to meeting the terms of this Policy and developing procedures for care of the animal (e.g.,

cleaning the animal, feeding/watering the animal, designating an outdoor relief area, disposing of feces, etc.).

9. The individual must provide written consent for the Office of Disability Services to disclose information regarding the request for and presence of the Assistance Animal to those individuals who may be impacted by the presence of the animal including, but not limited to, Office of Residential Life personnel, Maintenance, Security, and potential and/or actual roommate(s)/neighbor(s). Such information shall be limited to information related to the animal and shall not include information related to the individual's disability.

Violation of the above responsibilities and guidelines may result in immediate removal of the animal from the University and may be reviewed through the Judicial Process. Should the Approved Animal be removed from the premises, the owner is expected to fulfill his/her housing obligations for the remainder of the housing contract. Any removal of the animal will be done in consultation with the Disability Services Coordinator and may be appealed to the Assistant Vice President for Student Development. The Owner will be afforded all rights of due process and appeal as outlined in that process.

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Acknowledgement and Release of Information Consent Form

I have read and understand the *MHU Assistance Animal Owner Responsibilities and Guidelines Policy* and I agree to abide by the requirements applicable to Assistance Animals. I understand that if I fail to meet the requirements set forth in the Policy, MHU has the right to remove the Assistance Animal and I will be nonetheless required to fulfill my housing, academic, and all other obligations for the remainder of the housing contract.

I furthermore give permission to the Disability Services Office to disclose to others impacted by the presence of my Assistance Animal (e.g., Residence Life staff, potential and/or actual roommate(s)/neighbor(s) that I will be living with an animal as an accommodation. I understand that this information will be shared with the intent of preparing for the presence of the Assistance Animal and/or resolving any potential issues associated with the presence of the Assistance animal.

I further recognize that the presence of the Assistance Animal may be noticed by others visiting or residing in University Housing and agree that staff may acknowledge the presence of the animal, and explain that under certain circumstances Assistance Animals are permitted for persons with disabilities.

Individual Signature

Date

Disability Services Coordinator

Date

Residence Life Representative

Date

05/30/17